

**REMARKS**

In the present amendment, the claims have been amended to clarify that they are directed to an image fixing and smoothing process (claims 1-16) and a belt fixing and smoothing apparatus (claims 17-18), rather than an image forming process. These amendments are supported by the description at, for example, the first full paragraph on page 5 of the present specification.

Claim 19, drawn to an electrophotographic print, has been amended to clarify that it is drawn to an electrophotographic print obtained by the image fixing and smoothing process of claim 1.

Independent claims 1 and 17 have further been amended to recite that the hot-pressing member of the belt fixing and smoothing apparatus includes a heating roller and a pressure roller. The heating roller and the pressure roller are disposed so as to form a nip between them, and they are configured to control the amount of curling  $C$  (mm) of the electrophotographic print being fixed and smoothed such that it satisfies the condition  $-0.10L \leq C \leq +0.05L$ , wherein  $L$  is the length in millimeters of the short side of the electrophotographic print. These amendments are supported by the description, for example, in the last full paragraph on page 11 of the specification, the paragraph bridging pages 11 and 12 of specification and the first full paragraph on page 12 of the specification. See also original claim 12.

Claim 12 has been amended consistent with the amendment to claim 1.

Claim 17 has been amended in a manner similar to claim 1.

Claim 18, which depends from claim 17, has been amended consistent with the amendments to claim 17.

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Appln. No. 10/639,927  
Attorney Docket No. Q78160

Entry of the amendments is respectfully requested. Claims 1-21 are pending in the application.

In Paragraph No. 4 of the Action, the title of the invention is objected to as not being descriptive of the invention.

Applicants have amended the title to be appropriately descriptive of the invention. Reconsideration and withdrawal of the objection to the title are respectfully requested.

In Paragraph No. 6 of the Action, claims 1-21 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

The Examiner state that claims 1-21 recite an image forming process but do not recite image forming steps. Per the Examiner, these claims are also indefinite because they recite a belt fixing and smoothing apparatus comprising an electrophotographic print having a predetermined curl range, but do not recite means to create this curl.

In response, Applicants believe the Examiner here meant to refer to claims 1-16. As noted, claims 1-16 have been amended to clarify that they are drawn to an image fixing and smoothing process, rather than an image forming process. The claims have also been amended to recite that the heating roller and the pressure roller in the hot-pressing member are configured to control the amount of curling  $C$  of the eletrophotographic print such that it satisfies the condition  $-0.10L \leq C \leq +0.05L$ , as recited in the claims.

In view of the above, the Examiner is respectfully requested to reconsider and withdraw the §112, second paragraph, indefiniteness rejection as to claims 1-16.

The Examiner states that claims 17-18 recite an image forming apparatus, but do not recite image forming means.

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It is believed that the Examiner's concern in this regard is addressed by the amendment clarifying that claims 17 and 18 are directed to a belt fixing and smoothing apparatus, rather than an image forming apparatus.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection as to claims 17-18.

The Examiner states that claims 19-21 recite merely an electrophotographic print having a predetermined curl and no means whatsoever.

Applicants submit that the Examiner's concern regarding claims 19-21 has been addressed by the amendment clarifying that the electrophotographic print of claim 19 is a print obtained by the image fixing and smoothing process of claim 1.

Thus, the Examiner is respectfully requested to reconsider and withdraw the §112, second paragraph, indefiniteness rejection of claims 19-21.

In Paragraph No. 8 of the Action, claims 1-2 and 5-21 are rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Tani et al, cited as "2004/0086307A1."

The Examiner states that the image forming process of Tani et al teaches a belt fixing and smoothing apparatus comprising a hot-pressing member, a belt member, a cooling device, and a cooling releasing section, wherein the amount of curling of the print satisfies a predetermined condition.

U.S. Patent Publication No. 2004/0086307 A1 is the publication of the present application. Since there are two Tani et al U.S. patent application publications listed in the Notice of References Cited attached to the Office Action, it was not immediately clear to Applicants which Tani et al document the Examiner was relying on. In a telephone conversation

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with the Examiner on March 17, 2005, it was clarified that the Examiner intended to cite Tani et al U.S. Patent Application Publication No. 2004/0076456.

While the rejection is stated to be under §102(a), Tani et al '456 was published on April 22, 2004, which is later in time than the October 28, 2003 U.S. filing date of the present application. Tani et al '456 is prior art with respect to the present application solely under 35 U.S.C. § 102(e), having an effective date as a reference under §102(e) of October 9, 2003.

Tani et al '456's effective date of October 9, 2003 is later in time than Applicants' priority date of October 29, 2002. To perfect their claim to priority and remove Tani et al '456 as prior art, Applicants submit herewith a sworn English translation of their priority document. Section 112 support for the recitations of the present claims in the priority document is illustrated in the following table:

Claim	Support(s) in JP2002-314995
1	Claim 1, Claim 10, [0020]
2	Claim 2
3	Claim 3
4	Claim 4
5	Claim 5
6	Claim 6
7	Claim 7
8	Claim 8
9	[0036]
10	Claim 9
11	[0033]
12	Claim 10
13	[0129]
14	[0147]
15	[0130]
16	[0131]
17	[0014], [0020], [0148]-[0156]
18	[0020]
19	Claim 13
20	Claim 13
21	[0167] [Table 2]

In view of the above, Applicants respectfully request that the §102 rejection of claims 1-2 and 5-21 based on Tani et al '456 be reconsidered and withdrawn.

Applicants note with appreciation that claims 3 and 4 are objected to as being dependent upon a rejected based claim, but are indicated to be allowable if rewritten in independent form.

In view of the discussion above, it is respectfully submitted that all of the claims, including claims 3 and 4, are in condition for allowance in their present form.

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Allowance is respectfully requested.

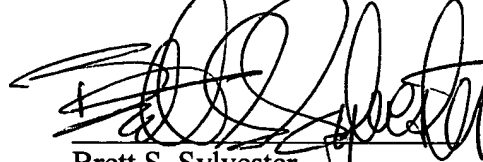
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**23373**

CUSTOMER NUMBER

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brett S. Sylvester", written over a horizontal line.

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Date: May 13, 2005